

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:) Chapter 11
)
CIRCUIT CITY STORES, INC., et al.,) Case No. **08-35653**
)
Debtors.) Jointly Administered

**RESPONSE OF SLAM BRANDS, INC. TO DEBTORS'
NINETEENTH OMNIBUS OBJECTION TO CLAIMS (RECLASSIFICATION OF
CERTAIN MISCLASSIFIED CLAIMS TO UNSECURED, NON-PRIORITY CLAIMS)**

Slam Brands, Inc. ("Slam Brands"), by its counsel, Gregory Kaplan, PLC and Graham & Dunn PC, respectfully submits the following response to the objection of Circuit City Stores, Inc. ("Circuit City") and its affiliated debtors (collectively, the "Debtors") to Slam Brands' claim submitted pursuant to 11 U.S.C. § 503(b)(9).

**DEBTORS' OBJECTION TO SLAM BRANDS'
SECTION 503(B)(9) CLAIM SHOULD BE DENIED**

The Debtors have objected to Slam Brands' claim number 6033 (the "Slam Brands POC"), a copy of which is attached hereto as Exhibit A. See Debtor's Nineteenth Omnibus Objection to Claims (Reclassification of Certain Misclassified Claims to Unsecured, Non-Priority Claims) [Docket No. 3703] (the "Claim Objection"). The Slam Brands POC identifies two components to the company's claim: (1) a Section 503(b)(9) claim in the amount of \$539,270.86 (the "503(b)(9) Claim"); and (2) a general unsecured claim in the amount of \$440,476.30.¹ Through the Claim Objection the Debtors seek to reclassify the 503(b)(9) Claim,

¹ Slam Brands also timely filed a separate claim form solely for the 503(b)(9) Claim using the "503(b)(9) Claim Request Form", a copy of which is attached hereto as Exhibit B.

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which should be entitled to administrative priority, to a general, unsecured, non-priority claim. The Claim Objection, however, is not well-taken with respect to the 503(b)(9) Claim for several reasons.

First, the Claim Objection does not identify any flaw with the 503(b)(9) Claim. A vague objection of this sort is insufficient to give Slam Brands adequate notice of the basis for the Debtor's objection. Absent a reasonably clear indication of what the alleged issue is with respect to the 503(b)(9) Claim, Slam Brands cannot formulate a meaningful response.

Second, the Debtors have not supported the Claim Objection with any argument or evidence. Accordingly, the Claim Objection fails to overcome the presumptive validity of Slam Brands' timely-filed and properly documented 503(b)(9) Claim. See Fed. R. Bankr. P. 3001(f).

Third, the Claim Objection does not comply with Fed. R. Bankr. P. 3007(e). Specifically, the Claim Objection does not "state the grounds of the objection to each claim and provide a cross-reference to the pages in the omnibus objection pertinent to the stated grounds[.]" Id.

For these reasons, the Court should deny the Claim Objection with respect to the 503(b)(9) Claim.

RESERVATION OF RIGHTS

Slam Brands expressly reserves any and all of its rights with respect to its 503(b)(9) Claim. Nothing contained herein shall operate as a waiver of any of Slam Brands' claims, rights, or remedies.

WHEREFORE, Slam Brands respectfully requests that this Court enter an order: (a) denying the Claim Objection with respect to Slam Brands' 503(b)(9) Claim; and (b) granting Slam Brands such other and further relief as the Court deems just and proper. To the extent the Court is not inclined to grant this requested relief, Slam Brands requests that the Court schedule

a hearing on the Claim Objection on the Omnibus Hearing Date currently scheduled to occur on July 23, 2009 at 11:00 a.m.

Dated: July 14, 2009

Respectfully submitted,

/s/ Troy Savenko

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Co-Counsel to Slam Brands, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2009, I caused a copy of the foregoing Response of Slam Brands, Inc. to Debtors' Nineteenth Omnibus Objection to Claims (Reclassification of Certain Misclassified Claims to Unsecured, Non-Priority Claims) to be served via the Court's CM/ECF Noticing System and/or electronic mail, upon: (i) Counsel for the Debtor (as identified in the Notice of the Claim Objection); (ii) Counsel for the Official Committee of Unsecured Creditors (as identified in the Notice of the Claim Objection); and (iii) all parties that have requested notice of papers with the Court's CM/ECF Noticing System pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure.

/s/ Troy Savenko